## REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-25 in the application. In the present response, the Applicant has amended Claims 1, 8-9, 15 and 19-20. No claims have been added or canceled. Accordingly, Claims 1-25 are currently pending in the application.

**I.      Rejection of Claims 1-7, 9-10, 15-18 and 20-21 under 35 U.S.C. §102**

The Examiner has rejected Claims 1-7, 9-10, 15-18 and 20-21 under 35 U.S.C. §102(b) as being anticipated by a paper written by Angela Sodan, *et al.*, entitled "Hierarchical Fuzzy Configuration of Implementation Strategies." The Applicant respectfully disagrees.

Sodan is directed to parallel/distributed processing and configuring dynamic implementation strategies applicable for communication or dynamic load balancing. (*See* page 250, left column, Abstract.) Sodan considers dynamic implementation strategies at a runtime-system or operating system level in parallel and distributed systems including dynamic load balancing for the systems. (*See* page 250, right column, first paragraph.) In the selection of strategies, Sodan uses fuzzy classifications for application and system characteristics in antecedents of rules and fuzzy preference values for selections in the consequences of the rules. (*See* page 252, left column, first full paragraph.)

Sodan does not, however, teach applying fuzzy logic rules to sets of fuzzified, dynamic network-related indicator values as recited in independent Claims 1 and 15. Instead, as stated above, Sodan uses fuzzy classifications for application and system characteristics. The characteristics, however, are not dynamic network-related indicator values. Instead, the characteristics are either characteristics pertaining to a specific application or are static characteristics pertaining to a system.

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(*See* page 252, left column, last full paragraph.) Regardless, the characteristics that are input to the fuzzy inference system of Sodan are not dynamic network-related indicator values. Accordingly, Sodan does not teach each element of independent Claims 1 and 15.

Specifically addressing independent Claim 15, Sodan does not teach selecting Internet servers. On the contrary, Sodan is directed to selecting strategies for parallel and distributed systems. (*See* page 250, right column.) While one strategy may be for dynamic load balancing for a distributed system including distributed computing via the Internet, this does not disclose selecting an Internet server. On the contrary, this teaches selecting multiple computers connected via the Internet to provide a balance for processing an application. Additionally, the Applicant would like to point out amended Claims 8-9 and 20.

Thus, Sodan does not disclose each and every element of independent Claims 1 and 15 and Claims dependent thereon. Sodan, therefore, does not anticipate Claims 1-7, 9-10, 15-18 and 20-21. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102 rejection and allow issuance of Claims 1-7, 9-10, 15-18 and 20-21.

## II. Rejection of Claims 8 and 19 under 35 U.S.C. §103

The Examiner has rejected Claims 8 and 19 under 35 U.S.C. §103(a) as being unpatentable over Sodan. The rejection, however, is now moot since Claims 8 and 19 have been amended. Accordingly, the Applicant respectfully requests the Examiner to withdraw this §103(a) rejection and allow issuance of Claims 8 and 19.

## III. Rejection of Claims 11-14 and 22-25 under 35 U.S.C. §103

The Examiner has rejected Claims 11-14 and 22-25 under 35 U.S.C. §103(a) as being unpatentable over Sodan in view of U.S. Patent No. 5,939,925 to Shibata, *et al.* Sodan has been cited to teach each element of independent Claims 1 and 15. As discussed above, however, Sodan does not teach applying fuzzy logic rules to sets of fuzzified, dynamic network-related indicator values as recited in independent Claims 1 and 15. Additionally, Sodan does not suggest applying fuzzy logic rules to sets of fuzzified, dynamic network-related indicator values since Sodan teaches using static system characteristics. (*See* page 252, left column, last full paragraph.)

Shibata has not been cited to teach each element of independent Claims 1 and 15 but to teach the subject mater of dependent Claims 11-14 and 22-25. Shibata is directed to provide a semiconductor operational circuit which is capable of conducting calculations with respect to analog vectors at high speed and with high accuracy. (*See* column 1, lines 59-63.) The cited combination, therefore, of Sodan and Shibata does not provide a *prima facie* case of obviousness of independent Claims 1 and 15 and Claims 11-14 and 22-25 which depend thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103 rejection of dependent Claims 11-14 and 22-25 and allow issuance thereof.

## IV.     Comment on Cited References

The Applicant reserves further review of references cited but not relied upon if relied upon in the future.
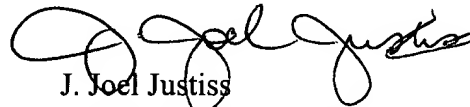
## V.       Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-25.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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